

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**LEE R. CROUTHERS,**

**Petitioner,**

**v.**

**Case No. 05-C-1138**

**PAM WALLACE,**

**Respondent.**

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**ORDER GRANTING THE RESPONDENT'S MOTION TO STAY THE TIME  
FOR FILING AN ANSWER TO THE PETITION**

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Lee R. Crouthers ("Crouthers") is a prisoner incarcerated pursuant to a Wisconsin state court judgment. Proceeding pro se, he seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This court previously reviewed the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases and ordered that the respondent answer the grounds for relief asserted by Crouthers.

Currently pending is the respondent's motion to dismiss and motion to stay the time for filing an answer. The motion to dismiss is based on the claim that Crouthers' petition was not filed within the one-year statute of limitations set forth at 28 U.S.C. § 2241(d)(1). Because the court will not address the merits of an untimely § 2254 petition where the petitioner has not demonstrated adequate cause for his delay, the court hereby **grants** the respondent's motion to stay. The petitioner shall file a response to the motion to dismiss no later than **February 23, 2006**. If the motion to dismiss is denied, the court will then order a deadline for the respondent's answer.

Dated at Milwaukee, Wisconsin, this 2nd day of February 2006.

s/AARON E. GOODSTEIN  
United States Magistrate Judge